

Surveillance
file

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CONGRESSIONAL RECORD—HOUSE

January 23, 1975

Antonio Borja Won Pat of the Territory of Guam.

Thomas L. Ashley of Ohio.

John Conyers, Jr. of Michigan.

George E. Brown, Jr. of California.

Robert W. Kastenmeier, Jr. of Wisconsin.

Walter E. Fauntroy of the District of Columbia.

William (Bill) Clay of Missouri.

Benjamin S. Rosenthal of New York.

Patsy T. Mink of Hawaii.

John Brademas of Indiana.

Edward R. Roybal of California.

Paul E. Tsongas of Massachusetts.

Phillip Burton of California.

James C. Corman of California.

Dante B. Fascell of Florida.

Lloyd Meeds of Washington.

Ralph H. Metcalfe of Illinois.

Michael Harrington of Massachusetts.

Joseph P. Addabbo of New York.

John E. Moss of California.

Herman Badillo of New York.

John F. Seiberling of Ohio.

Shirley Chisholm of New York.

Leo J. Ryan of California.

Bella S. Abzug of New York.

William Lehman of Florida.

Patricia Schroeder of Colorado.

Barbara Jordan of Texas.

Don Edwards of California.

James A. Burke of Massachusetts.

Harold E. Ford of Tennessee.

Gilbert Gude of Maryland.

Ronald V. Dellums of California.

Donald W. Riegle, Jr. of Michigan.

Joe Moakley of Massachusetts.

Louis Stokes of Ohio.

William S. Cohen of Maine.

Yvonne Brathwaite Burke of California.

Frank Thompson, Jr. of New Jersey.

Augustus F. Hawkins of California.

Paul Simon of Illinois.

Gladys Noon Spellman of Maryland.

Martha Keys of Kansas.

Joshua Ellberg of Pennsylvania.

Don Bonker of Washington.

Michael T. Blouin of Iowa.

Abner J. Mikva of Illinois.

Torbert H. Macdonald of Massachusetts.

Millicent Fenwick of New Jersey.

Paul N. McCloskey, Jr. of California.

Charles A. Mosher of Ohio.

Peter W. Rodino, Jr. of New Jersey.

William J. Green of Pennsylvania.

Paul Findley of Illinois.

James J. Howard of New Jersey.

Robert W. Edgar of Pennsylvania.

John L. Burton of California.

Elizabeth Holtzman of New York.

Spark M. Matsunaga of Hawaii.

Claude Pepper of Florida.

George Miller of California.

James G. O'Hara of Michigan.

Frank Horton of New York.

Stewart B. McKinney of Connecticut.

Bob Bergland of Minnesota.

Norman Y. Mineta of California.

Philip H. Hayes of Indiana.

Timothy E. Wirth of Colorado.

Thomas J. Downey of New York.

Helen S. Meyner of New Jersey.

Richard Nolan of Minnesota.

Paul S. Sarbanes of Maryland.

Edward W. Pattison of New York.

H.R. 1287

A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (a) of the United Nations Participation Act of 1945 (22 U.S.C. 287 c(a)) is amended by adding at the end thereof the following new sentence: "Section 10 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98-98h) shall not apply to prohibitions or regulations established under the authority of this section."

SUBCOMMITTEE TO INVESTIGATE SURVEILLANCE PRACTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, as chairman of the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, I well know that law enforcement and crime prevention require the investigation of suspects and the maintenance of records and files on the activities of those involved in a criminal investigation. No reasonable person would consider such an investigation, when properly conducted, to be an invasion of privacy. Indeed, those charged with the responsibility to apprehend and prosecute violators of the laws have a clear duty to remain informed and active in their pursuits.

However, when the Government investigator reaches his long arm into the personal or political lives of citizens, he steps far beyond the acceptable boundaries of legitimate investigation and into the murky territory of governmental spying. There have been long-standing allegations that politically active Americans have been victimized by pervasive systematic surveillance. During the Vietnam-war era thousands of citizens were photographed, interviewed, and spied upon. Many of these files are still maintained by the FBI. Dozens of political groups were informed on and infiltrated. As many of the recent conspiracy cases have shown, informers and provocateurs were used to intimidate and create a climate of fear within political groups. It has been admitted by the FBI that they do indeed use informers to investigate political groups, and the recent allegations that dossiers on Members of Congress are maintained by the Bureau is an expansion of this political harassment.

Clearly, there is cause for serious concern. Consequently, today I am introducing the Freedom From Surveillance Act. This bill, when enacted, will go a long way toward relieving the active invasion of privacy which political surveillance entails, and the chilling effect which widespread use of spying has on Americans' first amendment rights of free speech, association, and assembly.

The legislation prohibits any employee of the United States from conducting investigations into, maintaining surveillance or records regarding the beliefs, associations, political activities or private affairs of any citizen or group of citizens. Substantial fines and possible prison terms are mandated for violations of the act. Further, civil action is permitted in the case of those who have been unjustly spied upon.

I will hold hearings on this legislation on February 6, beginning what I plan to maintain as an ongoing oversight and legislative program for my subcommittee in the intelligence gathering area.

The Government spy is an abhorrent manifestation of a leadership afraid of its citizens and has no place in a free society. The American public will no longer tolerate official abuse of their basic constitutional rights.

The text of the legislation follows:

H.R. 1864

A bill to enforce the First Amendment and Fourth Amendment to the Constitution and the constitutional right of privacy by prohibiting any civil officer of the United States from exercising surveillance of citizens and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Freedom for Surveillance Act of 1975."

Sec. 2. Domestic surveillance.

(a) Chapter 109 of title 18 of the United States Code, is amended by adding at the end thereof the following new section:

"§ 2237. Use of civil officers of the United States for surveillance prohibited.

"(a) Except as provided in subsection (b) of this section or otherwise required by statute, whoever being a civil officer of the United States willfully conducts investigations into, maintains surveillance over, or maintains records regarding the beliefs, associations, political activities, or private affairs of any citizen of the United States, or regarding the beliefs, membership, or political activities of any group or organization of such citizens, shall be fined not more than \$10,000, or imprisoned not more than one year, or both.

"(b) Nothing contained in the provisions of this section shall be deemed either to limit or to enlarge such legal authority of the United States as may exist to:

"(1) collect, receive, or maintain information relevant to an investigation of an individual who has committed or is suspected on reasonable grounds to have committed a felony;

"(2) collect, receive, and maintain information relevant to lawful investigations of persons who are applicants for employment with the United States, who are employees of the United States, or who are contractors, or prospective contractors of the United States."

Sec. 3. Civil Action.

(a) Title 28, United States Code, is amended by adding after chapter 171 the following new chapter:

"Chapter 172. ILLEGAL SURVEILLANCE

"Sec.

"2691. Civil actions generally; illegal surveillance.

"2692. Special class actions; illegal surveillance.

"2693. Venue; jurisdictional amount.

"§ 2691. Civil action, generally; illegal surveillance

"(a) Except as provided in subsection (b) of section 1886, title 18, United States Code, or otherwise required by statute, whoever being a civil officer of the United States conducts investigations into, maintains surveillance over, or maintains records regarding the beliefs, associations, political activities, or private affairs of any citizen of the United States, or regarding the beliefs, membership, or political activities of any group or organization of such citizens shall be liable for damages to any person, group, or organization that has been the subject of a prohibited investigation, surveillance, or recordkeeping in an amount equal to the sum of—

"(1) any actual damages suffered by plaintiff, but not less than liquidated damages at the rate of \$100 per day for each day the prohibited activity was conducted;

"(2) such punitive damages as the court may allow, but not in excess of \$1,000; and

"(3) the costs of any successful action, including reasonable attorneys' fees.

"(b) Any person, group, or organization that has been the subject of any investigation, surveillance, or recordkeeping in violation of subsection (a) of this section may bring a civil action against the United States for such equitable relief as the court deter-

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ration unconditionally and without compensation therefor.

OBLIGATIONS INCURRED BY ALOHA

SEC. 8. (a) Within six months of the date of this Act, any person that claims that ALOHA is indebted to him on an unpaid written contractual obligation incurred by ALOHA for the purposes of preparing, presenting, or advocating or securing the enactment of, legislation to settle the historic claims of the Hawaiian Natives, shall present his claim, together with appropriate documentation to ALOHA and the corporation in consultation with ALOHA, the corporation shall review and prepare a schedule of all such claims, noting thereon which claims, if any, it questions or disputes, in whole or in part, together with the reasons therefor, which schedule, together with copies of the claims and supporting documents supplied by the claimants, it shall submit to the Secretary within nine months of the date of this Act. Claims not questioned or disputed by the corporation, to which the Secretary takes no exception within one year from the date of this Act, shall thereafter be due and payable by the corporation. In the event the corporation, the claimant, and the Secretary, cannot agree on the settlement of a claim questioned or disputed by the corporation, or to which the Secretary has taken an exception, the same may, upon the application of either the corporation, the claimant or the Secretary, be determined by arbitration under chapter 658 of the Hawaii Revised Statutes.

REPORTS TO CONGRESS

SEC. 9. During a period of twenty years from the date of this Act, the Secretary shall prepare and submit reports annually to Congress on the state of the Hawaiian Natives and the execution and effects of this Act. During the session of Congress next convened after the end of such period, the Secretary shall submit, through the President, a final report on the state of the Hawaiian Natives, which shall include a summary of actions taken and results achieved under this Act, together with such recommendations to Congress as he deems appropriate.

APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

REGULATIONS

SEC. 11. The Secretary is authorized to issue and publish such regulations as may be necessary to carry out the provisions and purposes of this Act.

MISCELLANEOUS

SEC. 12. (a) No provision of this Act shall derogate from or diminish any right, privilege, or obligation of Hawaiian Natives as citizens of the United States, or of the State of Hawaii, or relieve, replace, or diminish any obligation of the United States or of the State of Hawaii to protect and promote the rights and welfare of Hawaiian Natives as citizens of the United States or of Hawaii;

(b) No provision of this Act shall be construed to constitute a jurisdictional act to confer jurisdiction to sue, nor to grant implied consent to Hawaiian Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

SUPREMACY AND SEPARABILITY

SEC. 13. In the event of conflict between this Act and any other Acts of Congress or other laws, the provisions of this Act shall control. If any provision of this Act is authoritatively determined to be invalid on its face or as applied, such holding shall not be deemed to invalidate or affect any other provisions of this Act.

H.R. 1287: TO HALT THE IMPORTATION OF RHODESIAN CHROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 15 minutes.

Mr. FRASER. Mr. Speaker, today, 99 Members are joining in support of an important piece of legislation—important to the long-range political and economic interests of the United States, important to the future of our relations with the vast and strategically vital African continent, and important to the continued development of international law and order.

Specifically, we are joined in an effort to repeal the Byrd amendment which has proved a serious stumbling block to America's good relations with various African nations by allowing the importation of Southern Rhodesian chrome and ferrochrome in violation of United Nations economic sanctions against Southern Rhodesia.

Southern Rhodesia is controlled by the Ian Smith regime which reserves political power to some 250,000 whites, excluding more than 5 million black people from the process. Smith's claim of independence for Rhodesia has never been recognized by Great Britain, or any other country. At the request of Britain, and with the support of the United States, the U.N. Security Council imposed economic sanctions on Southern Rhodesia in 1966 in an effort to induce a nonviolent political change toward majority rule. American compliance with the sanctions was broken in 1971 with the passage of legislation initiated by Congress known as the Byrd amendment.

Supporters of the Byrd amendment argue that access to the Rhodesian chrome market is essential to our economy and that for national security reasons Rhodesia should serve as a safety valve against dependence on the Soviet Union for chrome imports. The record shows clearly, however, that there are satisfactory alternative sources of chrome from other countries—some at prices cheaper than Rhodesia's—and that rather than turning away from the Soviet market, United States purchases of Soviet chrome have increased significantly under the Byrd amendment. The United Steel Workers of America have reported that recompliance with the sanctions would not cause unemployment in the steel industry. The Defense Department states that there is no shortage of chrome in the national strategic stockpile and accordingly, the previous administration requested authority from Congress to sell several million tons of excess stockpile chrome on the open market.

Rhodesia does have the world's largest known natural reserves of chrome ore, and we believe that the United States should indeed be concerned with long-range access to those reserves, as well as to other African markets and sources of raw materials. It seems to us that our long term interests in a dependable supply from Rhodesia calls for support for

majority rule there rather than clinging to an intransigent Smith regime.

The United States is increasingly dependent on other African countries as well for supplies of numerous critical raw materials. Nigeria is one of our very largest suppliers of oil, and we further depend on black African nations for much of our copper, cobalt, manganese, bauxite, aluminum, graphite, iron ore, and uranium. Our stake in all of Africa as well as Rhodesia is clear. What is equally clear is that the Byrd amendment, in Secretary of State Kissinger's words, has "impaired our ability to obtain the understanding and support of many important African nations."

In recent months the walls have been closing in on the Ian Smith regime. The new government in Portugal is moving toward independence for Angola and Mozambique, Rhodesia's black-majority neighbors to the east and west. And even South Africa has shown signs of exerting pressure on the white Rhodesians to reach a settlement. Negotiations are beginning among Ian Smith, Rhodesian black leaders and the black nations of southern Africa. It is vitally important at this time that peaceful pressure on Smith—through the sanctions—be maintained or increased.

During the 93d Congress the repeal of the Byrd amendment was approved by the Senate by a comfortable margin, and in the House was reported favorably by the Foreign Affairs Committee and granted a rule. A vote was not taken in the full House, but the leadership has agreed to schedule it this year as soon as it is eligible. The measure enjoys the active support of President Ford and Secretary of State Kissinger, prominent business leaders such as Henry Ford, the major labor unions, churches and civil rights organizations.

Cosponsorship and support for this measure by other Members will be warmly welcomed. We know others will join us in this important effort. The text of the bill and a list of cosponsors follow:

COSPONSORS OF H.R. 1287 AND IDENTICAL BILLS TO HALT THE IMPORTATION OF RHODESIAN CHROME

Edward G. Biester, Jr. of Pennsylvania.
John Buchanan of Alabama.
Charles C. Diggs, Jr. of Michigan.
Donald M. Fraser of Minnesota.
Frederick W. Richmond of New York.
William M. Brodhead of Michigan.
Richard L. Ottinger of New York.
Stephen J. Solarz of New York.
Jonathan B. Bingham of New York.
Henry S. Reuss of Wisconsin.
Cardiss Collins of Illinois.
Charles B. Rangel of New York.
Robert N. C. Nix of Pennsylvania.
Robert L. Leggett of California.
Robert F. Drinan of Massachusetts.
Charles A. Vanik of Ohio.
Fortney H. (Pete) Stark of California.
Edward I. Koch of New York.
Andrew Young of Georgia.
Ron de Lugo of the Territory of the Virgin Islands.
Lee H. Hamilton of Indiana.
Thomas M. Rees of California.
Parren J. Mitchell of Maryland.
Henry Helstoski of New Jersey.
Bob Eckhardt of Texas.
Gerry E. Studds of Massachusetts.

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mines appropriate to enjoin and redress such violation.

"§ 2692. Special class actions; illegal surveillance

"Any person, group, or organization that has been the subject of any investigation, surveillance, or recordkeeping in violation of subsection (a) of section 2691 of this chapter, may bring a class action against the United States on behalf of himself and others similarly situated for such equitable relief as the court determines appropriate to enjoin and redress such violations.

"§ 2693. Venue; jurisdictional amount

"(a) A person may bring a civil action under this chapter in any district court of the United States for the district in which the violation occurs, or in any district court of the United States for the district in which such person resides or conducts business, or has his principal place of business, or in the District Court of the United States for the District of Columbia.

"(b) Any Federal court in which a civil action under this chapter is brought pursuant to subsection (a) shall have jurisdiction over such action regardless of the pecuniary amount in controversy."

"(c) The analysis of part VI of such title 28 is amended by adding immediately after item 171 the following new item:

"172. Illegal surveillance----- 2691".

"(d) Section 1343 of title 28, United States Code, is amended by redesignating paragraph (4) as paragraph (5) and by inserting immediately after paragraph (3) the following new paragraph:

"(4) To recover damages or to secure equitable or other relief under chapter 172 of this title;"

SEC. 4. The civil actions provided by the amendments to title 28, United States Code, made by this Act shall apply only with respect to violations of subsection 2691(a) of title 28, United States Code, as added by this Act, arising on or after the date of enactment of this Act.

SEC. 4. Definitions.

As used in this Act the term:

"(a) 'civil officer of the United States' means any civilian employee of the United States;

"(b) 'investigations' means any oral or written inquiry directed to any person, organization, or agency of the Government;

"(c) 'surveillance' means any monitoring of persons, places, or events by means of electronic interception, overt or covert infiltration, overt or covert observation, photography, and the use of informants;

"(d) 'records' means records resulting from any investigation or surveillance conducted by any governmental agency of the United States or any State or local government;

"(e) 'private affairs' means the financial, medical, sexual, marital, or familial affairs of an individual."

ADMINISTRATION ILLEGALLY IMPOUNDS MEDICAL RESEARCH FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 15 minutes.

Mr. DRINAN. Mr. Speaker, the Office of Management and Budget is once again acting in a lawless way.

On January 16, 1975, Document 94-33 of the 94th Congress contained the full letter from the Assistant Comptroller General, Mr. Phillip S. Hughes, indicating that OMB, as of January 9, 1975, had failed to complete about one-half of the required apportionments for the Department

of HEW that by law were required to have been completed on January 6, 1975.

As of January 23, 1975, projected rescissions for the National Institutes of Health have not been submitted to the Congress by the President nor has the President resorted to his other recourse under the Budget Control and Impoundment Act—the introduction of a deferral message. This is contrary to law since the appropriation for HEW for 1975 became law by the signature of the President on December 4, 1974. The Anti-Deficiency Act requires that these appropriations must be apportioned to the Department by January 6, 1975.

I set forth herewith below the proposed rescissions in the NIH 1975 budget. This document, under date of January 16, 1975, is apparently the basis for the present spending levels of NIH. A long conversation between me and Mr. Leland B. May, the Acting Director of the Division of Financial Management of the National Institutes of Health confirms the fact that NIH has already cut back to the level proposed by OMB.

PROPOSED ADJUSTMENTS IN NIH-1975 BUDGET, JAN. 16, 1975

[In millions of dollars]

	1975 appropri- ation (comparable)	Proposed rescission (net)	Revised 1975 budget
National Cancer Institute.....	\$691.5	\$123.0	\$568.5
National Heart and Lung Institute.....	324.0	37.7	286.3
National Institute of Dental Research.....	49.9	7.5	42.4
National Institute of Arthritis Metabolism and Digestive Diseases.....	173.1	28.5	144.6
National Institute of Neuro- logical Diseases and Stroke.....	142.2	30.3	111.9
National Institute of Allergy and Infectious Diseases.....	119.4	14.0	105.4
National Institute of General Medical Sciences.....	187.3	30.8	156.5
National Institute of Child Health and Human Development.....	127.8	24.0	103.8
National Eye Institute.....	44.1	6.5	37.6
National Institute of Environ- mental Health Sciences.....	34.9	6.9	28.0
Research Resources.....	121.2	40.6	80.6
Fogarty International Center.....	5.4	1.0	4.4
National Institute of Aging.....	14.1	-----	14.1
Total.....	2,034.9	350.8	1,684.1
National Library of Medicine.....	28.4	.4	28.0
Buildings and Facilities.....	3.0	-----	3.0
Office of the Director.....	18.0	-----	18.0
Total, NIH.....	2,084.3	351.2	1,733.1

In plain fact, this means that \$351,200,000 has already been taken out of the budget of NIH by the OMB.

This has been done even before the message of rescission pursuant to section 1012a of Public Law 93-344 has been received by the Congress. This special message must, pursuant to law, give "the reasons why the budget authority should be rescinded." The presidential special message must also reveal "facts, circumstances, and considerations relating to or bearing upon the proposed rescission . . . and the decision to effect the proposed rescission . . . and the estimated effect of the proposed rescission . . . upon the objects, purposes, and programs for which the budget authority is provided."

Needless to say, the proposed rescis-

sion of \$351,200,000 from research in the area of health will have a catastrophic effect upon many projects, many medical schools, and many individual researchers in the enormously important and urgent research in cancer, heart, lung, arthritis, neurological diseases, child health, and other essential areas.

The General Counsel of OMB claims that a lengthy statement from the Comptroller General of the United States under the date of December 4, 1974—numbered B-115398—justifies the position of OMB that budget authority can be diminished by the NIH and other agencies by the amount of the proposed rescission until Congress acts or until Congress fails to act after the 45 days permitted by law.

What this position of the OMB means is that the President is claiming the right under the Impoundment Control Act of 1974 to diminish an appropriated sum by his proposed rescission during the 45 days in which Congress can act on matters of this kind and, indeed, during the period before the rescission is even proposed to Congress.

Mr. Speaker, this interpretation of the Impoundment Control Act of 1974 appears to me to be precisely the opposite of what Congress intended.

In view of the lawlessness of OMB as unequivocally spelled out by the communication from the Assistant Comptroller General of the United States in Document 94-33, the Congress has the right and indeed the duty to take this document as equivalent to a special message from the President. Section 1015 of the Impoundment Act provides that if the Comptroller General finds that an action or inaction of OMB constitutes a reserve or deferral which has not been reported to Congress in a special message as required, the Comptroller General shall report to Congress on such reserve or deferral. The report of the Comptroller General in such a case will have the same effect as if it had been transmitted by the President in a special message.

Mr. Speaker, the communication of January 16, 1975, by the Assistant Comptroller General does precisely what section 1015 requires of the Comptroller General. This letter also permits, if not requires, the Congress to treat this letter as having the same effect as if it had been transmitted by the President in a special message.

Consequently, Mr. Speaker, it is my interpretation of the law that the 45 days during which the proposed rescission of \$351,000,000 from the budget of NIH is before Congress for consideration begins to run, not at some future projected time when the OMB gets around to informing the Congress, but from January 16, 1975, the date at which the Comptroller General gave to the Congress a letter which had all of the same effects as a letter of the President in a special message requesting specific rescissions.

The 20-page document of the Comptroller General referred to above, dated December 4, 1974, concludes with the observation that the construction and interpretation of the Impoundment Act

involves "difficult issues of interpretation of statutory language and legislative history." As a result, the Comptroller General suggests "that Congress may want to reexamine the act and clarify its intent through further legislative action."

Mr. Speaker, I have informed the General Counsel and other officials at the OMB that I shall follow the budget of the NIH with closest attention. Four major medical schools in greater Boston, along with specialized research institutes in Massachusetts and across the Nation, depend almost exclusively for their operating budget on the \$2,090,418,000 agreed to in the conference committee of the Congress as the budget for NIH for fiscal year 1975. President Ford signed that bill, but now proposes by a series of wholesale rescissions to drop that level of spending to a level below that of 1974 which was \$1,786,325,000. President Ford proposed \$1,733,100,000 for fiscal year 1975.

Obviously the Ford administration has a new version of how to play the game of impoundment. The Congress should resist, reverse, and repudiate this indefensible conduct on the part of OMB and the President.

BOOSTING FOOD STAMP COST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY), is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, today I am joining with several of my colleagues to introduce legislation to prohibit the Agriculture Department from implementing its ill-advised plan to boost the cost of food stamps. I do so with a sense of disbelief that such legislation has become necessary; disbelief that as part of the drive for economic recovery the USDA plans to exacerbate the economic plight of the neediest Americans.

Last December, when the USDA announced its proposal to require all food stamp recipients to pay at least 30 percent of their net monthly income for their allotment of food coupons, I took advantage of the "comment period" to strenuously object to the proposition and urged that it be abandoned. Unfortunately, the USDA had disregarded the objections presented by Members of Congress and announced that it plans to raise the cost of food stamps an average of 7 percent.

The human costs of this plan far outweigh the budget savings involved. The USDA's proposal would cut most heavily into benefits for single persons and two-family households, including many elderly Americans. The needy elderly and others on fixed and limited incomes are the hardest pressed by inflation and yet the USDA suggests that their food buying power be further eroded.

The move to increase the cost of food coupons also fails to recognize the established relationship between nutrition and health. This is especially important where senior citizens are concerned and any budget savings resulting from arbitrarily increasing the cost of food stamps

would be vastly overshadowed by the human and financial costs of poor health caused by poor diets.

As we consider this legislation, I think it is also important to consider the sad irony of the USDA proposal. In defending the food policies of the USDA Secretary Butz often cites statistics showing that Americans enjoy relatively inexpensive food. The Department of Agriculture tells us that food costs consume an average of about 16 percent of a family's income. I think it is most interesting when juxtaposed against the Department's proposed fiat to demand that elderly citizens and others on fixed and limited incomes pay 30 percent—almost double what USDA says is the national average—of their income for food.

Congress must block implementation of the 30 percent regulation and we must act promptly; without approval of this legislation the food stamp price increase will go into effect March 1.

PETROLEUM TAX PROPOSALS: NEED FOR CONGRESSIONAL REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am today joining with my esteemed colleagues Mr. McFALL and Mr. Reuss in cosponsoring a House concurrent resolution designed to express the sense of the Congress in urging the President to delay the implementation of his plan to raise the fee on all imported crude oil and petroleum products.

I fully share the President's concern about the need for an effective fuel conservation effort in this Nation. However, I am not convinced that crude oil excise taxes proposed by the President will accomplish our national energy conservation objectives. At the same time, I am very concerned that the taxes, as proposed, will only exacerbate our current inflation problems. The President has maintained that his proposals will cost the average consumer approximately \$250 a year. While this estimate may accurately reflect the increased cost of gasoline and electricity for most Americans, I do not believe the President has considered the impact of dramatically increased energy prices in the industrial and food production sectors. It is apparent to me that these increased fuel costs will soon be reflected in higher costs for food, textiles, manufactured products which utilize petrochemical feedstocks in the industrial process, and a wide range of consumer goods. Additionally, these higher prices will adversely affect lower-income Americans. The poor and the elderly are already bearing an intolerable economic burden resulting from the cruel combination of inflation, recession, and rising unemployment.

The President's proposals would only add to the misery of these beleaguered Americans by further increasing the cost of heating and lighting their homes, and fueling their automobiles. We must find ways to help lower-income level Americans cope with rising energy prices. We

cannot in good conscience ask them to bear the even heavier economic load that would result from this shortsighted approach to curb energy demand.

The resolution I am cosponsoring today expresses the sense of the Congress that the President should delay the imposition of any tariff or other import restriction on petroleum or petroleum products before April 1, 1975, so as to give the Congress a reasonable period of time in which to act legislatively on such proposals if it determines such action is necessary.

This Nation should not rush headlong down an uncharted path that could lead to economic disaster in pursuit of some illusory energy conservation objective. The steps that we take in developing a rational U.S. energy policy will have political, social, and economic repercussions. We must first determine that the need exists, that the tradeoffs are valid, and that the objective can be achieved. We must not allow the American people to be penalized for the foot-dragging that has characterized this administration's approach to developing a national energy policy. We can afford to take a little more time to determine that we are setting off on the right path. Legislation I introduced earlier this week calls for the establishment of a national energy information system. This attempt by the Ford administration to institute far-reaching national energy policies without adequate economic and energy resource input clearly demonstrates the need for such a system.

None of the President's energy conservation or energy self-sufficiency goals will be achieved without the cooperation and support of the American people. And the American people will not cooperate in a program in which they do not have confidence. This confidence will only result from the public availability of full and accurate information on our national energy situation. The far-reaching implications of our national energy challenge demand that Congress exercise its responsibility to the American public in determining the merit of various energy strategies that are developed by the administration. The resolution I am cosponsoring today testifies to the fact that this Congress does not intend to abdicate its responsibilities to the American people.

INTRODUCTION OF LEGISLATION TO PROHIBIT PRESIDENTIAL IMPOSITION OF TARIFFS, FEES, OR QUOTAS ON OIL IMPORTS FOR 60 DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, on behalf of the 25 members of the bipartisan, 6-State, New England Congressional Caucus, I am introducing legislation to prohibit Presidential imposition of tariffs, fees, or quotas on oil imports for 60 days, and to require thereafter that Congress be insured at least 30 days to disapprove of any such Presidential decision.

This legislation is essential to prevent

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we have about 130,000 Vietnamese refugees coming in from Guam and the Philippines. I thought you might hold your torch high and light the way for them."

The statue seemed irritated. "We have too many people in this country now. What am I going to do with 130,000 Orientals?"

"The same thing you did with everybody else. Welcome them. They're tired and they're poor and they are yearning to breathe free."

"And what about jobs? Who is going to support them?" she said petulantly.

"You never worried about that before," I said. "Whoever came to this country eventually found jobs, and almost all of them made very good citizens. There is no reason to think the Vietnamese will be different. After all, you are the mother of exiles."

"Times have changed," she growled. "The American people are not that thrilled about having a bunch of refugees dumped on them. Who is going to feed them? How many will go on welfare? How do we know their kids won't get in trouble in the streets? We have enough problems in this country without asking for more."

"But," I pleaded, "we're responsible for them being refugees. We screwed up a country like it's never been screwed up before. We supported their corrupt governments, loaded them down with weapons they couldn't use, defoliated their rice paddies and wrecked their families."

"We left the country in a mess. The least we can do is take in whatever huddled masses escaped to our teeming shore."

"That's easy for you to say," the Statue of Liberty replied, "but we have to think of Americans first. They don't want any more foreigners in this country."

"But most of our fathers and grandfathers and great-grandfathers were foreigners. You've welcomed them all. Tell me the truth. Do you have anything against Orientals?"

"I don't personally. But you know how some people are. The Vietnamese have different habits, and they're from another culture. They just don't fit in. Besides I'm supposed to welcome the homeless from Europe. That's why I'm looking in that direction."

"These people need refuge," I protested. "Their lives are in ruins. Remember a few weeks ago when they flew in orphans from Vietnam and Cambodia? Nobody seemed to object to that."

"It's not the same thing," the statue said. "You can adopt orphans. But what can you do with refugees?"

"Help them find homes, jobs, make them citizens."

"It's out of the question. It isn't our fault they lost the war. Look, no one minds one or two Vietnamese in a community. But you're talking about thousands. They'll stick out like a sore thumb. The unions would never stand for it."

"Please don't turn your back on them," I begged. "If somebody just said, 'Welcome. We're glad you came,' most Americans would go along with it. The American people gripe a lot, but they'll do the right thing if somebody leads them. If you could shine your torch toward the Golden Gate Bridge, perhaps the people will be ashamed of the way they've behaved."

The Statue of Liberty turned slowly. There was a tear in her eye. "I've been here so long I almost forgot why I was holding this lamp. Where did you say I should shine my torch?"

"Over there. Hold it as high as you can and point it toward the West so every American can see it. That's it. Now repeat after me, 'Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door.'"

PRIVACY LEGISLATION: A GOP HALLMARK

Mr. HUGH SCOTT, Mr. President, the current edition of "First Monday," the publication of the Republican National Committee, has an article detailing Republican initiatives in the privacy field which I think deserves the attention of my colleagues. I was pleased to note that its author, Marc Rosenberg, is a former intern of mine and a constituent from Cheltenham, Pa.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVACY LEGISLATION: A GOP HALLMARK

(NOTE.—The author, Marc H. Rosenberg, is the legislative assistant to a Midwest Republican Congressman. Previously, he was a writer for the Legislative Digest and served as Director of the Washington Campus News Service.)

Republicans have quietly moved to the forefront of Congressional efforts to guarantee citizens' rights-to-privacy. In doing so, they are not seeking any special publicity, but are working behind the scenes to assert traditional Republican beliefs in the importance of the individual and the personal rights enumerated in the Constitution.

The GOP has taken more than its share of lumps as a result of Watergate and the more recent accusations of abuse in various domestic intelligence activities which are alleged to have actually taken place during the Johnson years.

The truth of the matter is that in recent years the impetus for most new laws to protect rights-to-privacy has come primarily from Republican Members of Congress. GOP Congressmen and Senators have actively spearheaded efforts to provide greater confidentiality of school records, to prevent abuse of IRS information and authority, and to place tighter controls on federal surveillance activities.

Last year, students and parents were cheered by passage of the Family and Educational Privacy Act, which is better known as the Buckley Amendment to the Elementary and Secondary Education Act. It was authored by Sen. James Buckley of New York.

This new law gives students over 18 and parents of minor students access to most files kept on students by their schools, but denies access to unauthorized third parties. The law was prompted by a number of documented horror stories wherein damaging, sometimes erroneous, information was leaked from school files while students and parents were denied access to those same files.

The Buckley amendment corrects this situation, restoring proper priorities for the confidentiality of school records. The law went into effect early this year, less than a year after it was first proposed.

The Educational Privacy Act was one of 12 specific proposals that were either initiated or endorsed in a report issued last August by the House Republican Task Force on Privacy. Other issues addressed in the report include: government surveillance; juvenile and criminal arrest records; computer data banks; and standard universal identification numbers.

"A LANDMARK"

The Task Force consisted of 13 Republican Congressmen, chaired by Barry Goldwater, Jr. Its recommendations were unanimously en-

dorsed by the Republican Research Committee, on behalf of all Republicans in the House of Representatives. In a cover letter attached to the final Task Force report, the chairman of the Research Committee, Congressman Lou Frey Jr. of Florida, said, "The recommendations are a landmark in the area of individual rights. Nowhere (else) has the total question of privacy been so well or thoughtfully covered. . . . These recommendations and the follow-up legislative efforts will insure that the 1984 envisioned by George Orwell will remain only fiction."

During public hearings in March of this year, the House Judiciary Subcommittee on Civil Liberties praised the Task Force report as being the most comprehensive document of its kind. They commended Congressman Goldwater and his colleagues for their efforts.

Last year, Congressman Goldwater also distinguished himself in the privacy area by being the prime sponsor of the Goldwater-Koch Comprehensive Privacy Act. This new law guarantees citizens access to most files kept on them by the federal government and provides a mechanism for correcting or deleting inaccurate information. At the same time, the law prohibits improper dissemination of information found in these federal files.

In other areas, Sen. Lowell Weicker of Connecticut is leading efforts to guarantee the confidentiality of federal tax returns and to prevent any future abuse of the Internal Revenue Service's audit powers. The Senator says, "Clearly, only those legitimate authorities concerned with proper functions of tax administration or law enforcement should be allowed access to tax returns." Chances appear very good that the Weicker proposals will be approved by the 94th Congress.

New York Rep. Jack Kemp has proposed legislation to help safeguard the privacy of personal medical records. He explains, "The adequacy of safeguards to assure protection of the right of privacy as to individual medical records is a matter of growing concern. The proliferation of automated data systems, within both government and the private sectors, has focused particular attention on . . . these protections and, generally, has found them inadequate." Consequently, Congressman Kemp has introduced the proposed Medical Records Privacy Act.

MOST IMPORTANT

In this current session of Congress, probably the single most important piece of privacy legislation is the proposed Bill of Rights Procedures Act, which was developed by Maryland Sen. Charles Mathias and Rep. Charles Mosher of Ohio.

This legislation would require federal agents to obtain court orders before they could conduct any surveillance on any private citizens. It would greatly enhance the protections granted by the First, Fourth and Fourteenth Amendments and would plug up many loopholes in existing laws.

This past February, Mathias and Mosher testified before the House Subcommittee on Civil Liberties, which is holding extensive hearings on the Bill of Rights Procedures Act.

They warned that "American citizens today, in many instances, are becoming virtually paranoid about government surveillance." They noted that this can have a "chilling effect" on the public. This phenomenon is described as citizens being intimidated by the fear that improper surveillance is taking place, so that they can avoid participating in certain political activities or other lawful exercises of their Constitutional rights.

At the outset of the hearings, Subcommittee chairman, Democrat Robert Kastenmeier

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of Wisconsin, noted that 62 Congressmen had joined as cosponsors of the Bill of Rights Procedures Act. The cosponsors were evenly divided, 31 from each party, representing the whole spectrum of political philosophies and coming from every part of the country.

The House Judiciary Committee is continuing hearings on the Mathias-Mosher privacy bill and indications are that it will receive a favorable recommendation. There is a very good chance that the bill will be put before the House for a vote this summer.

The Senate Judiciary Committee has promised to consider the Bill of Rights Procedures Act in hearings to be held later this year. A rival bill has been introduced by Senators Kennedy and Nelson, but experts in the privacy field openly state that the Mathias-Mosher bill is clearly the superior piece of legislation. To date, the Bill of Rights Procedures Act has been endorsed by groups as diverse as the Republican Task Force on Privacy, the *Washington Star-News*, the *New York Times*, the *Akron Beacon Journal* and the National Newspaper Association.

Throughout the statements of these legislators there runs a common theme: Involvement in the privacy issue is not a new-found interest for Republicans. Rather, the commitment to the individual's rights-of-privacy is in the finest traditions of the Republican Party. These Congressmen and Senators all feel that the GOP has a history of commitment to championing the rights and freedoms of the private citizen. Their efforts today are merely the newest chapters in a long story.

NURSING HOME REFORM: 48 BILLS TOWARD A NATIONAL POLICY WITH RESPECT TO THE INFIRM ELDERLY

Mr. MOSS. Mr. President, I have served as chairman of the Subcommittee on Long-Term Care of the Senate Special Committee on Aging since 1963. Early hearings by our subcommittee lead to the enactment of Federal minimum standards for nursing homes participating in the medicare and medicaid programs. In 1969, we began our current series of hearings, "Trends in Long-Term Care" designed to gather facts and to test the implementation and enforcement of the so-called Moss amendments of 1967. Last November we issued the first of a 12-volume report on nursing home problems with subsequent reports or supporting papers following at monthly intervals. I would like to emphasize that these reports and the recommendations we made in them are based on 25 hearings since 1969 and more than 3,000 pages of testimony.

The recommendations in our reports fall into two categories: new legislation and suggestions urging the enforcement of existing legislation by the Department of Health, Education, and Welfare. Until very recently, the Department's record in terms of implementing congressional nursing home reforms and in terms of enforcing standards was characterized by neglect and indifference. Of late, I believe I sense a new attitude in HEW, but only time will tell if it results in genuine reform. I have some specific suggestions:

First, HEW must begin to enforce the law and regulations which prohibit nursing home operators from dominating

State boards which license nursing home administrators. Operators dominate the boards in 15 States at the present time.

Second, HEW must begin to enforce section 242 of Public Law 92-603 which sets out criminal penalties of \$10,000 fine, a year in jail or both for fraud or misrepresentation of a material fact in conjunction with payment for services under medicare or medicaid.

Third, HEW should implement changes the Congress made in 1972 requiring operators to disclose indirect as well as direct ownership interests in nursing homes.

Fourth, HEW must alter existing regulations to allow older Americans to have access to the home health services they need. At the present time less than 1 percent of medicare's total \$12 billion expenditures pay for home health care and 2.5 million elderly are going without the care they need.

As I noted, in addition to urging HEW to take action under existing law, I have introduced a 48-bill nursing home reform package. The first 12 bills were introduced on March 12, and cosponsored in the House of Representatives by Congressman Ed KOCH. The remaining 36 bills were introduced on April 29 with Congressman CLAUDE PEPPER, chairman of the Subcommittee on Health Maintenance and Long-Term Care of the House Committee on Aging, acting as House sponsor along with Ed KOCH who is the prime cosponsor. My bills fall essentially into seven categories as follows:

A. BILLS DESIGNED TO MAKE LONG-TERM CARE MORE READILY AVAILABLE TO ALL OLDER AMERICANS

S. 1552, to provide nursing home coverage under medicare without requiring prior hospitalization, by establishing a second level of care—intermediate care, by requiring standards for intermediate care facilities and by providing such services under medicare. Intermediate care services are presently authorized under medicaid but not under medicare.

S. 1553, to amend the Internal Revenue Code to allow a family to deduct as a "medical expense" payments made by such family for nursing home care received by a relative.

S. 1554, to provide for a modification of the medicare reimbursement formula to allow small hospitals in rural areas with chronic low occupancy to provide long-term care but only in those areas where there are no appropriate nursing home beds available.

S. 1555, to allow the use of supplementary security income payments plus state supplementary payments to house residents in shelter care facilities which meet certain Federal minimum standards.

S. 1161, to authorize an experimental program to subsidize families to care for their elderly in their own homes.

S. 1162, to authorize payment for day care under medicare.

S. 1163, to expand home health services authorized under medicare and medicaid. This bill originated with Congressman EDWARD I. KOCH of New York.

S. 1165, to authorize funding for

"campuses for the elderly"—a nursing home, home for the aged, congregate living facility, hospital and senior citizens center located on one site.

B. BILLS TO CREATE NEW MINIMUM FEDERAL STANDARDS FOR NURSING HOMES PARTICIPATING IN MEDICARE AND/OR MEDICAID

S. 1556, to require physician visits to patients in skilled nursing facilities at least once every 30 days.

S. 1557, to require skilled nursing facilities under title 18 and 19 to have registered nurse coverage 24 hours per day, 7 days per week effective January 1, 1978.

S. 1558, to require that only licensed personnel—registered nurses or licensed practical nurses—are authorized to set up and distribute medications in skilled nursing homes.

S. 1559, requiring skilled nursing facilities to place responsibility for medical care in a medical director and/or a nurse practitioner trained in geriatrics.

S. 1560, to require HEW to promulgate minimum ratios for nursing personnel to patients and for supervisory nurses to total nurses and further requiring that there should be no less than 2.25 hours of nursing care per patient per day for skilled nursing care.

S. 1561, to require skilled nursing homes to provide medically related social services.

S. 1562, to require admission contracts between the nursing home and patients paid for by medicaid and to prohibit life care contracts.

S. 1563, to require the upgrading of fire safety standards for nursing home by requiring compliance with the 23d edition, 1973, of the Life Safety Code instead of the 21st edition, 1967, presently mandated by law.

S. 1564, to require the posting of a nursing home's license, medicare/medicaid certification, a description of the services provided by the facility, a list of the owners and staff of the facility, a patient's bill of rights and other pertinent information.

S. 1565, to require nursing home administrators of facilities participating in medicare and medicaid to treat epidemic diseases, accidents and significant changes in patient condition.

S. 1164, to require nursing home participating in Federal programs to file CPA audited cost and financial statements and to provide penalties for fraud or misrepresentation.

S. 1166, to require full and complete ownership disclosure of every nursing home interest with penalties for misrepresentation of a material fact.

C. BILLS TO IMPROVE NURSING HOME INSPECTION, ENFORCEMENT AND AUDITING PROCEDURES

S. 1566, to require State inspection of public and private skilled nursing and intermediate care facilities at least once every 90 days and to require State enforcement of the rights of patients in such facilities. This bill originates with Congressman Ed BEARD.

S. 1567, to first, require that State plans to provide care for the aged, blind and disabled be approved by both the State's legislative and executive branch; sec-